Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 009-04621-6423-145	Date: 8/26/09	Time: 2018 hours	
Location: 5350 Lankershim Blvd.	City or Station: North Hollywood		
Bureau/Station/Facility: Transit Services Bureau	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant Use of Force: Less Lethal Weapon (Taser), Control Hold/Personal Weapons			
Deputy Injury: YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Mike Grimaldi	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name: Moreno	First Name: Shawn	Middle Name: Robert
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: Transit Services Bureau	Work Assignment (Unit #, Module, etc.): 646F
Shift: ☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	Age: [redacted]	Height: 507 / Weight: 150
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ / Significant Force ☒

E2

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Sex: [redacted] Male [redacted] Female	Race: [redacted]	Unit of Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: ☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	Age: [redacted]	Height: [redacted] / Weight: [redacted]
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ / Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ / Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Garland	Joseph	H.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hinkle	Gregory	G.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Teri Roberts, Sergeant

Supervisor Completing Form: (**Print Name**) | Emp #: [redacted] | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 4 6 2 1 - 6 4 2 3 - 1 4 5

Suspect Information

S 1

Last Name: Molina		First Name: Miguel		Middle Name: Angel		
AKA Last Name:		First Name:		Middle Name:		
Sex: [X] Male [ ] Female	Race: H.	Street Address: Transient		City: Los Angeles	State & Zip Code: CA	
Work Phone:	Home Phone:	Age: 27	Height: 507	D.O.B. 03-05-82	Weight: 150	Armed? [ ]

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History [X]

EMT in attendance? [X] YES [ ] NO Name: Los Angeles City Fire Paramedic Unit: 60 Phone #: 866 452-2489

Hospital Admission? [X] Rec'd Treatment At: Providence Saint Joseph's Medical Center Coroner Case #: 2009-05889 Mental History [X]

By Doctor: Dr. Wells Address: 501 S. Buena Vista St., Burbank Phone #: 818 843-5111

Under Influence: [X] YES [ ] NO Substance: Methamphetamine Mental Illness [X]

Suspect Interview

Date: Deceased | Time: | [ ] Audiotape: | [ ] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:		First Name:		Middle Name:		
AKA Last Name:		First Name:		Middle Name:		
Sex: [ ] Male [ ] Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? [ ]

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: Unit: Phone #:

Hospital Admission? [ ] Rec'd Treatment At: Coroner Case #: Mental History [ ]

By Doctor: Address: Phone #:

Under Influence: [ ] YES [ ] NO Substance: Mental Illness: [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:		First Name:		Middle Name:		
AKA Last Name:		First Name:		Middle Name:		
Sex: [ ] Male [ ] Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? [ ]

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: Unit: Phone #:

Hospital Admission? [ ] Rec'd Treatment At: Coroner Case #: Mental History [ ]

By Doctor: Address: Phone #:

Under Influence: [ ] YES [ ] NO Substance: Mental Illness [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
0 0 9 - 0 4 6 2 1 - 6 4 2 3 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Washington	Andres	R.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	15	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]		[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted] #[redacted]	[redacted]		Adult	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
LAPD - 11640 Burbank Blvd.	North Hollywood	91601	818 623-4016	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted] #[redacted]	[redacted]		Adult	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
LAFD #60 - 5320 Tujunga Blvd.	North Hollywood	91601	866 452-2489	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted] #[redacted]	[redacted]		Adult	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
LAFD #78 - 4041 Whitsett Ave.	North Hollywood	91601	866 452-2489	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]		23	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Address information retained in Homicide Bureau files				
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]		32	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Address information retained in Homicide Bureau files				
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]	[redacted]	24	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Address information retained in Homicide Bureau files				
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]		41	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Address information retained in Homicide Bureau files				
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]		25	
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Address information retained in Homicide Bureau files				

☒ Additional Witness

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION Continuation
0 0 9 - 0 4 6 2 1 - 6 4 2 3 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	Middle Name	Age 34	D.O.B.
Street Address Address information retained in Homicide Bureau files	City	Zip Code	Work Ph.	Home Ph.
Last Name [redacted]	First Name [redacted]	Middle Name	Age 19	D.O.B.
Street Address Address information retained in Homicide Bureau files	City	Zip Code	Work Ph.	Home Ph.
Last Name [redacted] #[redacted]	First Name [redacted]	Middle Name	Age Adult	D.O.B.
Street Address LAPD - 11640 Burbank Blvd.	City North Hollywood	Zip Code 91601	Work Ph. 818 623-4016	Home Ph.
Last Name [redacted] #[redacted]	First Name [redacted]	Middle Name	Age Adult	D.O.B.
Street Address LAPD - 11640 Burbank Blvd.	City North Hollywood	Zip Code 91601	Work Ph. 818 623-4016	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

Supervisor's Report on Use of Force

0[illegible] - 0 4 6 2 1 - 6 4 2 3 - 1[illegible]5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Molina	S#1	Moreno	E#1	UC,PH	NN	
Moreno	E#1	Molina	S#1	PP,CT,PP	NN	
Molina	S#1	Moreno	E#1	RS,PP, PO	NN	
Moreno	E#1	Molina	S#1	PS,PP	NN	
Molina	S#1	Moreno	E#1	PH, UC	NN	
Moreno	E#1	Molina	S#1	PH	NN	
Molina	S#1	Moreno	E#1	UC,PH	NN	
Moreno	E#1	Molina	S#1	TR	NN	CH
Molina	S#1	Moreno	E#1	UC	NN	
Moreno	E#1	Molina	S#1	TR	NN	
Molina	S#1	Moreno	E#1	UC	NN	
Moreno	E#1	Molina	S#1	TR	NN	
Molina	S#1	Moreno	E#1	UC	NN	
Moreno	E#1	Molina	S#1	TR,RH	NN	

Force Applied

Significant Use of Force: LESS LETHAL WEAPON (TASER / PERSONAL WEAPONS / CONTROL HOLD

Incident Details

Refer to IAB Summary for details.

Report Use of Force by Involved Employee(s)

Refer to IAB Summary for details.

Witness Interview(s)

Refer to IAB Summary for details.

Suspect Interview(s)

Suspect Interview(s) Conducted by: ☐ **Watch Commander** ☐ **Supervising Sergeant**

N/A

Medical Review

Refer to IAB Summary for details.

Training & Tactical Review

☐ **Debriefing held to discuss training and tactical issues.**

Training and Tactical Review to be presented at the Executive Force Review Committee at a pending date and time.

Watch Commander's Review

Training and Tactical Review to be presented at the Executive Force Review Committee at a pending date and time.

Case Status

N/A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Transit Services Bureau
DATE: August 26, 2009, Wednesday
TIME: 2018 hours
LOCATION: 5350 Lankershim Blvd., North Hollywood
URN#: 009-04621-6423-145
IAB#: FO2250440

NATURE OF INCIDENT:

On August 26, 2009, at approximately 2018 hours, Transit Services Deputy Shawn Moreno (Employee #[redacted]) was involved in a Significant Use of Force incident with Suspect Miguel Molina (MH/03-05-82) at the North Hollywood Red Line station, mezzanine level. Suspect Molina was transported to Providence Saint Joseph's Hospital in Burbank where he was pronounced dead. The cause of death was undetermined.

On August 27, 2009, at 0115 hours, Sheriff's Department Homicide investigators Sergeant Jeff Cochran (Employee #[redacted]) and Detective Steve Blagg (Employee #[redacted]) arrived at the scene. They were assigned to investigate the death and document the facts in confidential reports listed under file #009-04621-6423-145.

> **IAB Note: Refer to Exhibit A for a copy of the Sheriff's Homicide Bureau case investigation package.**

On August 26, 2009, Deputy Shawn Moreno was assigned to unit 646F on the PM shift from [redacted] hours. Between 1900 and 2200 hours, Deputy Moreno was working a foot beat on the mezzanine level of the North Hollywood Red Line station checking passengers at random for passes and tickets. While standing by the escalators that lead to the lower level, he saw a male (later identified as Suspect Molina) walk past the electronic turnstiles, which at that point a passenger is required to possess a ticket or pass.

> **IAB Note: Refer to Exhibit B for the photographs of the North Hollywood Metro Red Line station, mezzanine level.**

Deputy Moreno asked Suspect Molina if he had a valid ticket. Suspect Molina said no and continued walking toward Deputy Moreno within three feet of him. Deputy Moreno asked Suspect Molina several additional questions. Suspect Molina was sweating, swayed back and forth, had a blank stare, and answered in a rapid mumbled voice.

Deputy Moreno believed Suspect Molina displayed objective signs of being under the influence. He told Suspect Molina to either buy a ticket or leave.

Suddenly, Suspect Molina charged at Deputy Moreno with his hands up in the air. Deputy Moreno stepped to his left and utilized both hands to push Molina away from him. Deputy Moreno requested back-up via his Sheriff's hand-held radio. He did not hear an acknowledgment from the Sheriff's Communication Center.

> **IAB Note: Refer to Exhibit D for CD of LAPD's radio traffic of Deputy Moreno's assistance request.**

Deputy Moreno saw Suspect Molina tense up and begin to breath heavy. Deputy Moreno grabbed Molina's right hand and attempted to place him into a rear arm lock. He was able to get Suspect Molina's hands behind his back then guided him up against a nearby pillar. Deputy Moreno continually yelled at Suspect Molina to stop resisting.

As Deputy Moreno reached for his handcuffs with one hand, Suspect Molina broke free from Deputy Moreno's grasp and began twisting his body to get away from Deputy Moreno. Deputy Moreno attempted to sweep Suspect Molina's feet with his left foot while simultaneously placing his two hands on Molina's back in an attempt to get him down to the ground. Suspect Molina lost his balance for an instance, regained it, and began swinging his fists at Deputy Moreno. Deputy Moreno side-stepped to avoid the punches and blocked the blows with his hands.

Deputy Moreno put out an assistance request via his Sheriff's hand-held radio. SCC acknowledged.

> **IAB Note: Refer to Exhibit D for CD of Deputy Moreno's assistance request on Dispatch 35.**

From a distance of 5-6 feet, Deputy Moreno removed his Taser from his belt, pointed it at Molina, and repeatedly told him to stop fighting, get on the ground, and place his hands behind his back, or he was going to be tased. Suspect Molina did not comply.

Suspect Molina charged at Deputy Moreno with his hands raised and clenched. Deputy Moreno deployed the Taser for a five-second cycle. Both darts struck Molina in the chest causing him to fall to the ground on his back. Deputy Moreno ordered Suspect Molina to turn onto his stomach and place his hands behind his back. Molina immediately jumped to his feet and clenched his hands.

Deputy Moreno activated the Taser a second time for a five-second cycle. Suspect Molina dropped to the ground onto his stomach. Deputy Moreno ordered him to place his hands behind his back. Suspect Molina got up onto his hands and knees and attempted to remove the wires. Molina then began to stand up. Deputy Moreno ordered Molina to the ground and told him if he refused, he was going to be tased again.

Suspect Molina continued to get up. Deputy Moreno activated the Taser a third time for a five-second cycle causing Molina to fall onto his right side in a fetal position. Again, Deputy Moreno ordered Molina to lie on his stomach and place his hands behind his back. Molina rolled onto his back and sat up as he was attempting to remove the wires.

Deputy Moreno saw Security Assistant [redacted] arrive while Suspect Molina was trying to use his body momentum to lift himself up. Deputy Moreno activated the Taser a fourth time, causing Molina to lie on his stomach with his hands underneath his body. Deputy Moreno pulled the trigger for 10 to 15 seconds, long enough for Security Assistant [redacted] to pull Suspect Molina's right hand out from under his body and Deputy Moreno to pull his left hand out from under his body. Security Assistant [redacted] then handcuffed Suspect Molina.

Deputy Moreno rolled Suspect Molina onto his left side to monitor his vital signs until Paramedics arrived.

Suspect Molina was assessed at the scene by Los Angeles City Fire Paramedics Squad 60 and was subsequently transported to Providence Saint Joseph's Hospital (501 S. Buena Vista Street) in Burbank. Dr. Wells pronounced Suspect Molina dead at 2104 hours.

> **<u>IAB Note</u>: For the autopsy report, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), page 262.**

Deputy Moreno nor Security Assistant [redacted] sustained any injuries as a result of the incident.

Internal Affairs Bureau Lieutenant Mike Grimaldi was notified and Sergeants Teri Roberts and Frank Quichocho responded to the North Hollywood Metro Redline Station, mezzanine level, to conduct an administrative review of the incident.

<u>Reported use of force</u>:

Deputy Moreno: Utilized both hands to push the suspect away. Grabbed the suspect's right arm and attempted to place him into a rear arm lock. Attempted a foot sweep and guided the suspect up against a pillar. Tased the suspect four times.

The following review is based on written documentation, witness interviews, and involved personnel.

INVOLVED PERSONNEL:

Moreno, Shawn R. - Deputy Sheriff, Employee #[redacted]
Walnut Sheriff's Station
Field Operations Region III

EMPLOYEE WORK HISTORY:

Date of Employment: 06-26-96
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] - Security Assistant, Employee #[redacted]
Transit Services Bureau
Homeland Security Division

EMPLOYEE WORK HISTORY:

Date of Employment: [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT:

Molina, Miguel , MH/27, DOB: 03-05-82
Transient
Last known address: [redacted]
Main: [redacted] CII: [redacted] ID: [redacted] FBI: [redacted]

Involved Suspect Criminal History:

A review of the suspect's criminal history reveals arrests for: [redacted] Refer to the CCHRS and RAPS printouts included under **Exhibit A, pages 93-118**.

DEPARTMENT EMPLOYEE WITNESSES:

1. [redacted]., MW/Adult, Employee #[redacted]
   Los Angeles County Deputy Sheriff

2. **Washington, Andres R.,** MB/Adult, Employee #[redacted]
   Los Angeles County Deputy Sheriff

NON-DEPARTMENT WITNESSES:

1. [redacted]

2. [redacted], MW/Adult, Serial #[redacted]
   Los Angeles Police Department, Sergeant

3. [redacted], MH/Adult, Serial #[redacted]
   Los Angeles City Fire Department, Firefighter/Paramedic

4. [redacted], MW/Adult, Serial #[redacted]
   Los Angeles City Fire Department, Captain

5. [redacted], MW/23

6. [redacted], MH/32

7. [redacted], FW/24

8. [redacted], MW/41

9. [redacted], MH/25

10. [redacted], MB/34

11. [redacted], MH/19

12. [redacted], MW/Adult, Serial #[redacted]
    Los Angeles Police Department, Officer

13. [redacted], MW/Adult, Serial #[redacted]
    Los Angeles Police Department, Officer

INJURIES:

Suspect Molina was pronounced dead at Providence Saint Joseph's Hospital in Burbank. The cause was undetermined.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

None.

WEAPON USED BY DEPUTY PERSONNEL:

Less Lethal Weapon (Taser), Personal weapons (hands, foot) Control holds (control techniques).

WEAPON USED BY SUSPECT:

Uncooperative, Resistance, Personal weapons (body, fists, legs, feet).

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR and CHARGES FILED:

None

LIGHTING AND WEATHER CONDITIONS:

The incident occurred during the hours of darkness. There was illumination from lights within the mezzanine level. The weather was cool and clear.

INVOLVED EMPLOYEE STATEMENTS:

DEPUTY SHAWN MORENO, Employee #[redacted] was initially interviewed on August 27, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Transit Services Bureau Headquarters. The following is a summary.

While Deputy Moreno was on the mezzanine level standing by the stairwell which leads to the lower platform, he saw a male (Suspect Molina) pass the "tap" (ticket/pass turnstile) machines. Deputy Moreno asked Suspect Molina if he had a ticket. Suspect Molina said no and proceeded to walk toward Deputy Moreno within ten feet of him.

Deputy Moreno noticed Suspect Molina sweating, he was swaying back and forth, he had a blank stare, his eyes appeared dilated, and spoke in a rapid mumbling voice. Deputy Moreno asked Suspect Molina if he was "tweaking" or had been drinking heavily. Molina said no.

Deputy Moreno told Suspect Molina to either buy a ticket or leave. Molina said he did not have any money. Deputy Moreno advised him to leave. Suspect Molina looked at Deputy

Moreno with a blank stare and did not respond.

From approximately two to three feet away, Suspect Molina raised his hands up in the air and lunged at Deputy Moreno. Deputy Moreno stepped to his left and utilized his hands to push Molina away. At this time, Deputy Moreno requested back-up via his Sheriff's hand held radio.

Deputy Moreno saw Suspect Molina breathing heavily and tensing up his body. Deputy Moreno grabbed Suspect Molina's right hand and attempted to place him in a rear arm lock while twisting Molina's body and grabbing his left hand. Deputy Moreno held Suspect Molina's wrists behind his back, guided him three to four feet, and placed his body up against a pillar to handcuff him. Deputy Moreno was repeatedly giving Suspect Molina verbal commands to stop resisting.

Suspect Molina's right hand broke free from Deputy Moreno's grasp. Suspect Molina began swinging his right fist at Deputy Moreno. As Suspect Molina twisted his body, Deputy Moreno used Molina's momentum and attempted a foot sweep while pushing at Molina's upper back to get him to fall to the ground. Suspect Molina was able to regain his balance, turned, and immediately began to swing his fists at Deputy Moreno. Deputy Moreno side stepped him while blocking Molina's blows with his (Moreno's) hands.

Deputy Moreno gained a distance of five to six feet from Suspect Molina and was able to put out an assistance request via his hand held radio. Deputy Moreno deployed the Taser and pointed it at Molina. Deputy Moreno yelled out verbal commands at Molina to get on the ground and place his hands behind his back, or he was going to be tased. Suspect Molina stared at Deputy Moreno as he was breathing heavily, rocking back and forth, and had his fists raised to his mid upper torso. Suspect Molina suddenly charged at Deputy Moreno.

Deputy Moreno deployed the Taser for a five second cycle, striking Molina in the chest. Suspect Molina fell to the ground onto his back. Deputy Moreno told Molina to stop fighting, roll over onto his stomach and place his hands behind his back.

When the cycle ended, Suspect Molina immediately jumped up to his feet with his fists clenched and faced Deputy Moreno. Deputy Moreno activated his Taser a second time for a five second cycle. Suspect Molina fell to the ground onto his stomach.

Deputy Moreno repeatedly told Suspect Molina to stop fighting and place his hands behind his back.

When the cycle ended, Suspect Molina got up onto his hands and knees and was attempting to remove the Taser wires and barbs. As Molina begins to stand up, Deputy Moreno tells him if he stands up, he will be tased again. Deputy Moreno ordered Suspect Molina to get on the ground and place his hands behind his back. When Suspect Molina began to stand up, Deputy Moreno tased him a third time for a five second cycle.

Suspect Molina fell on the ground onto his right side in a fetal position. Deputy Moreno ordered him to get onto his stomach and place his hands behind his back. Deputy Moreno notices Security Assistant [redacted] approaching. Suspect Molina rolled over onto his back, sat up and attempted to take the wires out as he is trying to get up.

Deputy Moreno cycled the Taser a fourth time, causing Suspect Molina to lie on his stomach with his hands underneath his body. Deputy Moreno continued to pull the trigger back. Deputy Moreno pried Molina's hands out from underneath him with his (Moreno's) left hand. Security Assistant [redacted] was able to handcuff Suspect Molina. Deputy Moreno then released the trigger on the Taser. He estimated the duration of the fourth activation to be ten to fifteen seconds.

Deputy Moreno rolled Suspect Molina to his left side and saw that he was still conscious. Molina was mumbling, but not responsive to Deputy Moreno's questions. Deputy Moreno told Security Assistant [redacted] to request, via his hand held radio, for the Fire Department to respond. Patrol units began to arrive. Deputy Moreno and Deputy [redacted] monitored Suspect's Molina's pulse and breathing until Paramedics arrived.

> **IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 29.**

> **IAB Note: Refer to a copy of Deputy Moreno's transcribed interview with Homicide Bureau for further details.**

On March 17, 2011, Sergeant Teri Roberts from the Internal Affairs Bureau interviewed Deputy Moreno. Deputy Moreno was represented by Los Angeles Sheriff's Professional Association (LASPA) Attorney Adam Marangell. The interview took place at the Internal Affairs Bureau and was digitally recorded. The purpose of the second interview was to obtain additional information regarding the Taser activations. The following is a summary.

Deputy Moreno indicated the incident occurred within the immediate area of approximately eight to nine feet from the location where he first made contact with Suspect Molina.

> **IAB Note: Refer to Exhibit C for Deputy Moreno's diagram of the location depicting where Deputy Moreno first made contact with Suspect Molina. Deputy Moreno placed an "X" and identified himself as "Dep". Deputy Moreno placed an "X" and identified Suspect Molina as "Susp".**

Deputy Moreno said when he placed Suspect Molina up against the pillar, he held Molina's right arm behind his back with his (Moreno's) right hand and used his left hand to push Molina's body up against the pillar, in an attempt to handcuff him. Suspect Molina

was resisting.

After Suspect Molina broke free from Deputy Moreno's grasp and Deputy Moreno attempted to do a foot sweep, Molina swung at Deputy Moreno three to four times. Deputy Moreno blocked the blows with his hands.

Deputy Moreno was within five to six feet from Suspect Molina when he pre-warned Molina to get on the ground, place his hands behind his back, or he was going to be tased. Suspect Molina did not comply and took a step forward, charging at Deputy Moreno. Deputy Moreno deployed the Taser from approximately four to five feet away. The darts embedded in Molina's chest.

> **IAB Note: The first Taser activation was for a duration of 13 seconds. Deputy Moreno indicated he "could have" pulled the trigger for 13 seconds instead of his initial estimation of 5 seconds, due to "the heat of the moment."**

Suspect Molina immediately jumped up, clenched his fists and was ready to fight again. From approximately four to five feet away, Deputy Moreno cycled the Taser a second time causing Molina to fall to the ground onto his stomach.

The interval time between the first and second activation was approximately ten seconds.

> **IAB Note: The second Taser activation was for a duration of 8 seconds. Deputy Moreno indicated he "could have" pulled the trigger for 8 seconds instead of his initial estimation of 5 seconds, due to the "heat of the moment."**

Suspect Molina got up on his hands and knees and attempted to pull the Taser wires and barbs out. Deputy Moreno told Molina, "If you stand up, I'm going to tase you again. You need to get on the ground, put your hands behind your back and just stop fighting."

Suspect Molina got up off his knees and began to stand up. From approximately four to five feet away, Deputy Moreno cycled the Taser a third time causing Molina to fall to the ground onto his right side in a fetal position. While the Taser was cycling, Deputy Moreno ordered Suspect Molina to get onto his stomach, place his hands behind his back and to stop fighting.

The interval time between the second and third cycle was approximately fifteen to twenty seconds.

IAB Note: The third Taser activation was for a duration of 5 seconds, which was consistent with Deputy Moreno's initial estimation.

Toward the end of the third Taser cycle, Deputy Moreno looked to his side and saw, from fifteen to twenty feet away, Security [redacted] approaching the scene from the area of the TAP machines.

Suspect Molina rolled over onto his back, sat up, and attempted to remove the wires. Deputy Moreno told Molina that he was not following directions and needed to get onto his stomach and place his hands behind his back. Suspect Molina raised his feet toward his buttocks and pushed his hands down on the ground in order to push himself up. Deputy Moreno told Molina not to get up, but Molina continued his upward momentum.

Fearing Suspect Molina was going to assault him again, Deputy Moreno tased Molina a fourth time. Knowing Security Assistant [redacted] was there to assist, Deputy Moreno cycled (approximately ten to fifteen seconds) the Taser long enough to handcuff Molina.

Suspect Molina landed on his stomach with his hands underneath his body. Deputy Moreno pried Molina's left hand out from underneath his body and placed it behind his back, while he (Deputy Moreno) continued pulling the trigger on the Taser. Security Assistant [redacted] was able to handcuff Suspect Molina's wrists.

The interval time between the third and fourth cycle was approximately twenty seconds.

IAB Note: The fourth activation was for a duration of 11 seconds, which was consistent with Deputy Moreno's initial estimation of 10 to 15 seconds.

IAB Note: The Taser download reports reveals a total of seven activations for a total duration time of 66 seconds for this incident.

Deputy Moreno stated he "could have" activated the Taser seven times. He did not have an explanation for the last four Taser activations totaling twenty-nine seconds.

IAB Note: Refer to a copy of Deputy Moreno's transcribed interview with Internal Affairs Bureau for further details.

SECURITY ASSISTANT [redacted], Employee #[redacted], was initially interviewed on August 27, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Transit Services Bureau Headquarters. The following is a summary.

Security Assistant [redacted] was in uniform standing by the escalators in the main lobby area of the Mezzanine level waiting for a train to arrive to transport him back to "Gateway" (Transit Services Bureau Headquarters). While talking to a gentleman, he heard Deputy Moreno repeatedly shouting, "Get the fuck down" to a male (Suspect Molina). Suspect Molina did not seem to be complying with Deputy Moreno's commands.

Security Assistant [redacted] ran around the corner to check on Deputy Moreno. Deputy Moreno and Suspect Molina were near a pillar by the first set of stairs that lead to the platform. Deputy Moreno was pointing a Taser at Suspect Molina, who was approximately four feet away, and ordering him to comply. Suspect Molina was facing Deputy Moreno with his fists clenched at shoulder level and shouting incoherently.

Suspect Molina took a step towards Deputy Moreno. Deputy Moreno fired the Taser striking Molina in the chest. Suspect Molina went down to the ground. Security Assistant [redacted] was standing six to seven feet away from Deputy Moreno when he fired the Taser. As soon as the Taser stopped, Suspect Molina stood right back onto his feet with his fists clenched at his sides, ready to charge at Deputy Moreno.

Deputy Moreno ordered Suspect Molina to get down and he would not comply. Deputy Moreno tased Molina a second time. Suspect Molina began to get right back up and tried to pull the darts out of his body.

Deputy Moreno gave Suspect Molina more verbal commands to stop. Molina did not comply. Deputy Moreno then tased Suspect Molina a third time. Molina went down to the ground onto his stomach with his hands beneath him. Suspect Molina then tried to get back up again.

Deputy Moreno placed his knee onto Molina's lower back. Security Assistant [redacted] grabbed Suspect Molina's right hand. Deputy Moreno told Security Assistant [redacted] to "watch the wires, I don't want you getting hurt." Deputy Moreno handed Security Assistant [redacted] Suspect Molina's left hand. [redacted] was able to handcuff Molina's wrists. Deputy Moreno then turned Suspect Molina onto his left side to monitor his vital signs.

Security Assistant [redacted] heard Deputy Moreno ask the suspect if he was okay. The suspect did not respond. He saw Deputy Moreno check Molina's pulse and indicate to him that Molina "still had a heartbeat." Deputy Moreno told Security Assistant [redacted] to request Paramedics.

Security Assistant [redacted] got on his hand held Department radio and requested Paramedics. He then placed himself Code 6 at the location.

Security Assistant [redacted] believed it was approximately six minutes before any additional units arrived at the scene. Two uniformed LAPD officers arrived first, followed by Valley College Deputy Washington, a Security Officer, additional LAPD officers and

TSB deputies. The Fire Department then arrived on scene.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 25.

IAB Note: Refer to a copy of Security Assistant [redacted] transcribed interview with Homicide Bureau for further details.

On March 17, 2011, Sergeant Teri Roberts from the Internal Affairs Bureau interviewed Security Assistant [redacted]. Security Assistant [redacted] was represented by Los Angeles Sheriff's Professional Association (LASPA) Attorney Adam Marangell. The interview took place at the Internal Affairs Bureau and was digitally recorded. The following is a summary.

Security Assistant [redacted] indicated the incident occurred within the immediate area of where he first initially saw Deputy Moreno and Suspect Molina.

IAB Note: Refer to Exhibit C for Security Assistant [redacted] diagram of the location depicting where he, Deputy Moreno and Suspect Molina were standing when he first saw them. Security Assistant [redacted] placed an "X" and identified himself as "DEL." He placed an "X" and identified Deputy Moreno with a "D"and placed another "X" identifying Suspect Molina with an "S."

Security Assistant [redacted] indicated when he first observed Deputy Moreno and Suspect Molina, Deputy Moreno was pointing the Taser at Molina and giving him verbal commands. [redacted] ran up to Deputy Moreno's right side, within a foot of him, when Suspect Molina charged at Deputy Moreno. Deputy Moreno then tased Molina.

[redacted] estimates the duration of the first cycle was approximately five seconds. Seconds after Deputy Moreno tased Suspect Molina, Molina began to get up. Deputy Moreno gave him verbal commands to stay down and not get up. Molina did not comply and stood up with his arms down to his sides with his fists clenched. Deputy Moreno tased Molina a second time.

Security Assistant [redacted] estimates the interval time between the first and second cycle to be approximately eight to nine seconds.

Suspect Molina attempted to pull the Taser darts out of his body. Deputy Moreno told Molina to stop and he did not comply. Deputy Moreno tased Suspect Molina a third time

from two to three feet away.

Security Assistant [redacted] was unable to estimate the duration of the third cycle. He estimated the interval time between the second and third cycle to be approximately eight to nine seconds.

Suspect Molina fell to the ground onto his stomach with his hands underneath him. Molina then tried to get up. Deputy Moreno placed his knee onto Molina's back to keep him down. [redacted] grabbed Suspect Molina's right hand out from underneath him and was able to handcuff both wrists. Molina did not resist as he was being handcuffed. Security Assistant [redacted] indicated from the time Deputy Moreno placed his knee onto Suspect Molina's back, it took approximately six to seven seconds to handcuff him.

Once the suspect was subdued, Security Assistant [redacted] requested Paramedics to respond.

> **<u>IAB Note</u>: Refer to a copy of Security Assistant [redacted]' transcribed interview with Internal Affairs Bureau for further details.**

<u>DEPARTMENT WITNESS STATEMENTS</u>:

WITNESS DEPUTY [redacted] Employee #[redacted] was interviewed on August 27, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Transit Services Bureau Headquarters. The interview was audio recorded and the following is a summary.

Deputy [redacted] stated he heard an assistance request call, via his Sheriff's radio, of a person being tased on the mezzanine level of the North Hollywood Red Line station. He arrived within five to six minutes and saw eight or nine Los Angeles Police Officers at the scene.

Deputy [redacted] saw the involved deputy, Deputy Moreno, standing near Suspect Molina by the west wall. The suspect was handcuffed and lying on the ground on his left side facing the west wall. One LAPD officer was kneeling next to Suspect Molina holding one hand on the suspect to stabilize him on his left side. Deputy [redacted] saw Taser probes in the suspect's chest and the Taser wires still attached to the probes.

Deputy [redacted] relieved the LAPD officer. Deputy Alkalamy held Suspect Molina's head while he (Deputy [redacted]) checked Suspect Molina's vital signs. Molina's breathing was shallow and his pulse was weak. Suspect Molina appeared to be conscious but was unresponsive. His eyes were open and he displayed a blank stare.

Deputy [redacted] remained with Suspect Molina until the Paramedics from the Los Angeles City Fire Department began assessing the suspect.

Deputy [redacted] was not present during the tasing of Suspect Molina, nor did he witness any force used against Suspect Molina when he arrived at the scene.

> **IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 22.**

> **IAB Note: Refer to a copy of Deputy [redacted] transcribed interview with Homicide Bureau for further details.**

WITNESS DEPUTY ANDRES WASHINGTON, Employee #[redacted] was interviewed on March 3, 2011 by Internal Affairs Bureau Sergeant Teri Roberts. The interview took place at Valley College. The interview was digitally recorded and the following is a summary.

Deputy Washington stated when he arrived at the North Hollywood Metro Red Line Station, the Paramedics were walking down the escalator behind him to the mezzanine level. Three to four deputies arrived on the mezzanine level at the same time he was arriving. Deputy Washington saw at least four to five LAPD officers on the mezzanine level surrounding Suspect Molina and securing the area from approaching foot traffic.

Deputy Washington saw Deputy Moreno putting out radio traffic. From ten feet away, he could see Suspect Molina was handcuffed behind his back and lying on the ground on his side.

Deputy Washington did not notice if Suspect Molina was moving. However, he did see Suspect Molina's eyes open and saliva emitting from his mouth.

Deputy Washington was not present during the tasing of Suspect Molina, nor did he witness any force used against Suspect Molina when he arrived at the scene.

> **IAB Note: Refer to a copy of Deputy Washington's transcribed interview with Internal Affairs Bureau for further details.**

NON-DEPARTMENT WITNESS STATEMENTS:

WITNESS [redacted] was interviewed on August 28, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took place at the "Denny's" Restaurant located at 11377 Burbank Boulevard in North Hollywood. The interview was audio recorded and the following is a summary.

Miss [redacted] stated after she and her friend ([redacted]) purchased train tickets at the North Hollywood Metro Red Line Station and were walking toward the train, she saw a deputy approximately twenty feet away from her repeatedly yelling at Suspect Molina to stop and put his hands up. Suspect Molina's hands were at his sides with his fists clenched. The

deputy and Suspect Molina were approximately six to seven feet apart.

Suspect Molina did not comply and continued walking toward the deputy. While the deputy was telling Molina to stop, Miss [redacted] heard a clicking noise when the deputy activated the Taser. Suspect Molina began to shake and fell to the ground. She then saw the wires connecting the deputy's Taser to Suspect Molina.

Miss [redacted] indicated each time the Taser noise stopped, Suspect Molina tried to get up and the deputy tased him again. She observed the Taser was activated and stopped three times. The longest duration was estimated at eight seconds and the other two activations were shorter.

Miss [redacted] believes she may have heard Suspect Molina tell the deputy to "stop" as he was being tased.

Miss [redacted] left the mezzanine level for approximately two minutes to go find a restroom. She returned and saw the same deputy who tased Suspect Molina, on the ground checking Molina's neck for a pulse. She and [redacted] then left the scene and boarded a train prior to the Paramedics arriving.

> **<u>IAB Note</u>: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 36.**

> **<u>IAB Note</u>: Refer to a copy of Miss [redacted] transcribed interview with Homicide Bureau for further details.**

WITNESS LAPD SERGEANT [redacted] #[redacted], was interviewed on August 28, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took place at the North Hollywood Police Station, located at 11640 Burbank Boulevard in North Hollywood. The interview was audio recorded and the following is a summary.

Sergeant [redacted] responded to the North Hollywood Metro Red Line station after their dispatcher received a call indicating that a Sheriff's deputy was requesting help on the second level. When he arrived at the scene, he saw Suspect Molina handcuffed on the ground and two additional LAPD officers, Officer [redacted] and Officer [redacted]

Sergeant [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred. He noticed Molina's eyes were half open and he was possibly unconscious.

> **<u>IAB Note</u>: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 39.**

IAB Note: Refer to a copy of LAPD Sergeant [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS LAFD FIREFIGHTER/PARAMEDIC [redacted] #[redacted], was interviewed on August 28, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took place at North Hollywood Fire Station #60, located at 5320 Tujunga Avenue in North Hollywood. The interview was audio recorded and the following is a summary.

Paramedic [redacted] stated he and his partner, Paramedic [redacted], responded to the North Hollywood Metro Red Line Station regarding a person tased on the mezzanine level. They arrived at the location within two to three minutes and saw Suspect Molina lying on the ground handcuffed. Molina had no pulse and was not breathing. Deputies told them Suspect Molina had been tased up to five times approximately ten minutes prior to their arrival.

Paramedic [redacted] observed a Taser dart attached to Suspect Molina's upper left chest. He removed the dart by cutting around the penetrated clothing to remove the barb. He then cut the wire and placed the dart, clothing pieces and the wire in a "Sharps" container.

The second dart was dangling on Suspect Molina's clothing in the area of Molina's lower abdomen. Paramedic [redacted] saw an impact site on his abdomen similar to the impact site on the chest and believed the second dart impacted that area. He then placed the second dart and wire into the same "Sharps" container and later gave the container to a deputy at Providence Saint Joseph's Medical Center in Burbank.

Paramedics [redacted] and [redacted] attached a monitor to Suspect Molina which revealed a straight flat line. While transporting Molina in an ambulance to the hospital, Paramedic [redacted] Captain [redacted] and one additional firefighter assisted with cardiopulmonary resuscitation as Paramedic [redacted] administered an intravenous line with atrophine and epinephrine. Suspect Molina did not respond to the medication and remained unconscious when he was released to hospital personnel. The Paramedics did not observe any additional injuries on Molina.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 40.

IAB Note: Refer to a copy of Paramedic [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS LAFD CAPTAIN [redacted] #[redacted], was interviewed on August 28, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took

place at North Hollywood Fire Station #60, located at 5320 Tujunga Avenue in North Hollywood. The interview was audio recorded and the following is a summary.

Captain [redacted] responded to the North Hollywood Metro Red Line Station regarding a person tased on the mezzanine level. He was one minute behind the firefighters and Paramedics from Engine/Squad #60.

When Captain [redacted] arrived at the location, he saw Suspect Molina lying on the ground on his side and showed no active signs of life. Several deputy sheriff's and LAPD officers were in the area. After the handcuffs were removed from Suspect Molina's wrists, he was placed on a gurney. Paramedic [redacted] removed the barbs from Suspect Molina and placed them in a "Sharps" container until he was able to give the container to a deputy sheriff.

The Paramedics immediately began to perform cardiopulmonary resuscitation on Suspect Molina and continued until he was transported to the hospital. Molina did not regain consciousness. After the hospital staff made an aggressive resuscitation effort to revive Suspect Molina, the emergency room doctor pronounced Molina dead.

> **<u>IAB Note</u>: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 41.**

> **<u>IAB Note</u>: Refer to a copy of Captain [redacted] transcribed interview with Homicide Bureau for further details.**

WITNESS [redacted] was interviewed on August 28, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took place at Mr. [redacted] residence. The interview was audio recorded and the following is a summary.

Mr. [redacted] arrived at the North Hollywood Metro Red Line Station on a train at approximately 8:06-8:07 p.m. While running up the stairs, he looked to his left and saw several LAPD officers standing around a deputy who was holding a Taser with the Taser wires directed toward Suspect Molina. Suspect Molina was face down on the ground approximately four to five feet from the deputy holding the Taser. Mr. [redacted] believes there was a second deputy next to Suspect Molina who had just finished handcuffing him.

Mr. [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred and did not stop to watch what was going on. Mr. [redacted] left prior to the Fire Department arriving at the scene.

> **<u>IAB Note</u>: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation**

package), Page 41.

IAB Note: Refer to a copy of Mr. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS [redacted] was interviewed on August 28, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took place at Mr. [redacted] residence. The interview was audio recorded and the following is a summary.

Mr. [redacted] arrived at the North Hollywood Metro Red Line Station on a train just after 8:00 p.m. While walking up the stairs, he looked to his left and saw several deputies and security guards standing in a half circle around Suspect Molina. Suspect Molina was handcuffed, facing away, and lying on the ground on his side. A deputy was kneeling beside Suspect Molina and searching his pockets. As the deputy was searching Suspect Molina, Mr. [redacted] momentarily observed Molina's face. Suspect Molina had a "dazed" look on his face.

Mr. [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred and did not stop to watch what was going on. Mr. [redacted] left prior to the Fire Department arriving at the scene.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 42.

IAB Note: Refer to a copy of Mr. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS [redacted], was interviewed on August 29, 2009 by Homicide Bureau Sergeant Cochran and Detective Gates. The interview took place at the North Hollywood Police Station, located at 11640 Burbank Boulevard in North Hollywood. The interview was audio recorded and the following is a summary.

Ms. [redacted] exited the train at the North Hollywood Metro Red Line Station and was walking up the stairs when she looked to her left and saw officials in multiple types of uniforms standing around Suspect Molina who was lying on his side on the ground. Suspect Molina was facing away from her, not moving, and in handcuffs.

Ms. [redacted] was not present during the tasing of Suspect Molina. She arrived after the incident occurred and did not stop to watch what was going on. As Ms. [redacted] was leaving the station, she recalls seeing a Fire Department vehicle arriving, or was parked at the station.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 43.

IAB Note: Refer to a copy of Ms. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS [redacted] was interviewed on September 1, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Mr. [redacted] residence. The interview was audio recorded and the following is a summary.

Mr. [redacted] exited the train at the North Hollywood Metro Red Line Station and was walking up the stairs when he looked to his left and saw several deputies and several LAPD officers standing around Suspect Molina who was lying on the ground handcuffed. Suspect Molina was facing away from him. Mr. [redacted] saw an LAPD officer wearing blue latex gloves standing near Suspect Molina's feet and had crossed Molina's legs.

Mr. [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred and did not stop to watch what was going on. The duration of his observation was approximately two minutes. As Mr. [redacted] walked up the stairs to board the Orange line, he saw Fire Department personnel carrying their equipment down the stairs to the scene.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 46.

IAB Note: Refer to a copy of Mr. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS [redacted] was interviewed on September 2, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Mr. [redacted] residence. The interview was audio recorded and the following is a summary.

Mr. [redacted] exited the Red Line train at the North Hollywood Metro Station and was walking up the escalator to the next platform. He saw numerous police officers wearing different uniforms standing in a semi-circle around Suspect Molina who was laying on his left side on the ground. Mr. [redacted] did not see Suspect Molina's face due to Molina facing away from him. Suspect Molina's hands were behind his back, but he did not specifically see handcuffs on him.

Mr. [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred. As Mr. [redacted] was exiting the Red Line station, he noticed the Fire Department arriving on scene.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 47.

IAB Note: Refer to a copy of Mr. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS [redacted], was interviewed on September 2, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Mr. [redacted] residence in [redacted]. The interview was audio recorded and the following is a summary.

Mr. [redacted] was on the mezzanine level waiting for a train when he saw an officer, wearing a brownish uniform, holding a Taser and kneeling beside Suspect) Molina who was lying on the ground on his left side with the Taser wires wrapped around his body. Suspect Molina's hands were handcuffed behind his back.

Mr. [redacted] stopped and observed from ten feet away for approximately ten to twenty seconds before he proceeded to the lower level to board a train. Mr. [redacted] did not hear any conversation between the officer and Suspect Molina, but did see Molina moving slightly.

Mr. [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 48.

IAB Note: Refer to a copy of Mr. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS [redacted] was interviewed on September 2, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at Mr. [redacted] residence. The interview was audio recorded and the following is a summary.

Mr. [redacted] was at the North Hollywood Metro Station on the street level of the Orange Line. He saw several police cars arriving and officers running down into the Red Line area of the station. After a few minutes, he went down to the Red Line area and purchased a ticket. While walking toward the escalator from approximately fifteen feet away, he saw officers surrounding Suspect Molina who was handcuffed and lying on his left side on the ground near the escalator. There was one LAPD officer kneeling beside Suspect Molina. Mr. [redacted] was unable to see Molina's face due to Molina facing away from him.

Mr. [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 49.

IAB Note: Refer to a copy of Mr. [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS LAPD OFFICER [redacted] **#**[redacted] was interviewed on September 3, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at the North Hollywood Police Station, located at 11640 Burbank Boulevard in North Hollywood. The interview was audio recorded and the following is a summary.

Officer [redacted] was working uniformed patrol with his partner, Officer [redacted], when their dispatch announced that a sheriff's deputy was requesting help on the mezzanine level of the North Hollywood Metro Red Line station due to a person being tased.

When they arrived at the scene, Officer [redacted] saw Suspect Molina lying on the ground on his left side, handcuffed, with Taser wires attached to his body. A deputy was beside Suspect Molina holding him upright on his left side, and a Metro Security Officer was standing beside the deputy.

Officer [redacted] relieved the deputy by holding Molina upright on his left side.

Officer [redacted] saw Suspect Molina drooling from his mouth and not moving. He checked Molina's neck for a pulse and felt a rapid pulse. He told a deputy, who then began an assessment on Suspect Molina. Another deputy relieved Officer [redacted].

Prior to the ambulance arriving a the scene, Officer [redacted] heard a deputy mention that Suspect Molina had stopped breathing. Officer [redacted] and Officer [redacted] remained on scene until the ambulance left for the hospital.

Officer [redacted] was not present during the tasing of Suspect Molina. He arrived after the incident occurred.

IAB Note: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 49.

IAB Note: Refer to a copy of LAPD Officer [redacted] transcribed interview with Homicide Bureau for further details.

WITNESS LAPD OFFICER [redacted] #[redacted], was interviewed on September 3, 2009 by Homicide Bureau Sergeant Cochran and Detective Blagg. The interview took place at the North Hollywood Police Station, located at 11640 Burbank Boulevard in North Hollywood. The interview was audio recorded and the following is a summary.

Officer [redacted] was working uniformed patrol with his partner, Officer Scott [redacted], when their dispatch announced that a sheriff's deputy was requesting help on the mezzanine level of the North Hollywood Metro Red Line station.

When they arrived at the scene, Officer [redacted] saw Suspect Molina lying on the ground on his left side, handcuffed, with two Taser wires laying near Molina. A deputy was kneeling beside Suspect Molina holding him upright on his left side, and a Security Officer was standing near the deputy.

Officer [redacted] relieved the deputy by holding Suspect Molina upright on his left side. He felt Suspect Molina twitch while he was kneeling next to him. When additional deputies arrived, one of them relieved Officer [redacted] Officer [redacted] said other officers had checked Molina's vital signs and they indicated he was breathing and had a pulse.

Officer [redacted] and Officer [redacted] left the scene prior to Fire Department personnel arriving.

Officer [redacted] was not present during the tasing of Suspect Molina, nor did he witness any force used against Suspect Molina when he arrived at the scene. He arrived after the incident occurred.

> **<u>IAB Note</u>: For the Homicide Bureau summary, refer to Exhibit A (Sheriff's Homicide Bureau case investigation package), Page 51.**
>
> **<u>IAB Note</u>: Refer to a copy of LAPD Officer [redacted] transcribed interview with Homicide Bureau for further details.**

CONVERSATION WITH [redacted] (Suspect Molina's [redacted])

On September 2, 2009, Sergeant Luis Nunez spoke telephonically with Ms. [redacted] in Spanish. Ms. [redacted] lives in [redacted] with Suspect Molina's [redacted] They last had contact with Suspect Molina in November 2008, when he left their home. They reported him missing.

Ms. [redacted] indicated Suspect Molina suffers from schizophrenia and had not taken his medication on a regular basis. Within the past few years, his mental condition has

become more severe. Since thirteen years of age, Suspect Molina has used methamphetamine and marijuana.

Ms. [redacted] stated she and her [redacted] received a telephone call from Huntington Park Police Department in March of 2009 and advised them that they had stopped Suspect Molina, who had been reported missing. Suspect Molina was a transient and was living on the streets. Ms. [redacted] told the officer that they were unable to travel to California to take custody of Suspect Molina. The officer released Suspect Molina.

> **IAB Note: Refer to a copy of [redacted] translated transcribed telephone conversation with Homicide Sergeant Nunez for further details.**